

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM C. WELSH,

Plaintiff,

vs.

KILOLO KIJAKAZI, *the Acting
Commissioner of Social Security,*

Defendant.

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Case No. 4:21-cv-00935-MTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; Doc. [23], and Plaintiff's Motion for Bill of Costs, Doc. [24]. Plaintiff asks to be awarded \$9,503.00 for 44.2 hours of attorney work. In response, Defendant represents that she and Plaintiff have agreed to an award of EAJA fees and expenses in the amount of \$5,500.00. Doc. [25]. The Court will award Plaintiff \$5,500.00 to be paid by the Social Security Administration. *See* 28 U.S.C. § 2412. This amount is subject to any allowable offset to satisfy any pre-existing debt Plaintiff owes to the United States. If Plaintiff owes no outstanding debt to the United States that can be offset, the EAJA fee is to be paid and sent directly to Plaintiff's attorney. *See* Doc. [23-2]. If Plaintiff owes an outstanding debt to the United States, and such debt is subject to offset, Defendant shall offset the debt and send the remainder (if any) of the award to Plaintiff through Plaintiff's attorney. Either way, any payment should be sent directly to Plaintiff's attorney, Traci L. Severs, Post Office Box 621, Manchester, MO 63021.

Plaintiff also seeks costs in the amount of \$402 to cover the filing fee. Doc. [24]. Defendant agrees that Plaintiff should be compensated for the filing fee. Doc. [25]. Defendant


notes that this fee should not be paid as an expense under EAJA but instead should be paid from the Judgment Fund administered by the United States Treasury. *See* 28 U.S.C. § 2412(a). The Court will award the filing fee as costs. *See* 28 U.S.C. § 1920.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees, Doc. [23], is **GRANTED in part**. EAJA fees and expenses in the amount of \$5,500.00 shall be paid by the Social Security Administration in accordance with the EAJA and this Memorandum and Order.

IT IS FURTHER ORDERED that Plaintiff's Motion for Bill of Costs, Doc. [24], is **GRANTED**. The Clerk shall tax costs in the amount of \$402.00, which shall be paid to Plaintiff from the Judgment Fund administered by the United States Treasury.

Dated this 2nd day of June, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE